IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 780/1998

ALTAF Vs. STATE OF RAJASTHAN

Date of order: 02.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Manoj Sharma for the accused-petitioner.
Mr. Ashwani Sharma, PP for the State.

****

Learned counsel for the accused-petitioner candidly agreed that on merit nothing survives in the present revision petition as it is directed against the judgment dated 25.08.98 passed by the Additional District & Sessions Judge, Baran in Criminal Appeal No. 07/98, whereby conviction of the petitioner under Section 304-A has been confirmed but he has been given the benefit of probation under Section 4(1) of the Probation of Offenders Act and awarded a fine of Rs. 10,000/- as compensation under Section 5 of the Probation of Offenders Act.

So far as benefit of probation extended in favour of the petitioner is concerned, the petitioner do not want to assail this judgment and it is assailed only on the ground that compensation of Rs. 10,000/- has been excessively awarded. Learned counsel for the petitioner further submits that the claimant has

already received the compensation from the Motor Accident Claims Tribunal.

This cannot be a ground of denial of compensation, but having gone through the impugned judgment and looking to the status of the petitioner, I deem it proper to modify the impugned judgment dated 25.08.98 only to the extent that the amount of compensation as awarded under Section 5 of the Probation of Offenders Act, is reduced from Rs. 10,000/- to Rs. 3,000/-.

Accordingly, the impugned judgment dated 25.08.98 is modified as indicated herein above and the revision petition stands disposed of.

(K.S. RATHORE),J.

/KKC/